



# LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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Date: June 10, 2021

Re: SB 1510 - Relating to Transforming Justice 2022- For Safety,  
Opportunity, and Healing

Position: SUPPORT

To: Senate Judiciary

Distinguished members of the committee,

As an organization of law enforcement professionals, the Law Enforcement Action Partnership is writing to express our support for **SB 1510** in Oregon. We believe that SB 1510 would improve police effectiveness by strengthening community trust and focusing law enforcement resources on serious crime.

The Law Enforcement Action Partnership (LEAP) is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience in support of improvements to the justice system. Our mission is to make communities safer by focusing law enforcement resources on the greatest threats to public safety and working toward healing police-community relations.

As a leader of the crisis negotiation team for my police department, I was keenly aware of how our community felt about officers. In each crisis, our success relied on gaining the trust of the people involved. Across policing, the research underscores that having trust from the people we serve [directly impacts public safety](#) because, without trust, people do not report crimes or cooperate with law enforcement.

This trust we rely upon is quickly destroyed by tragic and unnecessary officer-involved shootings. When people see viral video recordings of people being mistreated or harmed by police officers, they are shocked, angry, and distrustful of us. Their reactions are especially strong when an officer kills someone during a needless interaction.

**LawEnforcementActionPartnership.org**

*Formerly known as Law Enforcement Against Prohibition*

One key source of officer-involved shootings is pretextual stops. Officers often stop drivers not because someone is driving unsafely but to randomly search their car. We cannot pull you over and search your car without probable cause, but we can use a very minor infraction as a pretext to stop your car. We then ask for your consent to search the vehicle or look inside while asking questions to try to find probable cause for a search.

These traffic stops are negative police interactions that damage community trust in us. In the overwhelming majority of pretextual stops, no guns, drugs, or even lower-priority issues are found. Studies show that these stops have [little-to-no effect on crime rates](#). The time spent making low-level traffic stops would be much better spent investigating actual crimes and working with residents to address their safety concerns. As a result, in 2019, the Oregon Supreme Court ruled that officers need to ask [questions directly relating to the minor infraction](#) instead of using the traffic stop as a fishing expedition to find other serious violations.

Pretextual stops create the risk of injury and death not just for motorists but also for law enforcement officers. When officers walk up to a stopped car, we hold our breath, just waiting for a gun to come out. We don't know if drivers will suddenly hit the gas pedal, endangering us, bystanders, or other motorists. While these situations are rare, we are trained to expect the worst-case scenario and approach every stop in a state of hypervigilance, which contributes to the escalation of minor infractions into violence.

Since officers are choosing targets based on our own biased hunches rather than on actual danger, low-level traffic and equipment stops also create the greatest racial disparities. For African American drivers, the vast majority of whom are innocent of any serious wrongdoing, these stops are frightening and humiliating. They know that they have been racially profiled, and it poisons the well of police-community trust that I worked so hard to protect.

It doesn't have to be this way. Virginia passed a law last year that prohibits officers from making stops solely to enforce certain low-level equipment violations. Officers could still enforce these violations, but only if they make the stop for a more serious reason. In fact, the Portland Police Bureau has already addressed pretextual stops through the same changes at a local level.

Today, the Oregon legislature has a chance to improve safety for both community members and officers by following Virginia's lead and passing SB 1510.

This bill would similarly improve trust and safety by limiting consent searches. When officers pull people over on a pretextual stop but do not hear or see anything that creates probable cause for a search, we try to get the person to agree to a search of the vehicle. The vast majority of consent searches are fishing expeditions that find nothing, waste resources, and burn trust. In 2016, *The Case Western Reserve Law Review* published a report on pretextual stops which argues that [consent in these situations is often illusory](#) due to the power

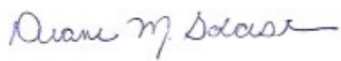
imbalance. Motorists — especially motorists of color — generally fear that if they do not consent to the officer's request, they will anger the officer and be searched anyway — or risk endangering their own safety.

SB 1510 would also improve safety by helping the justice system address trauma, mental health, and other root causes of crime. It would increase funding for victims' services and invest in restorative justice, which improves healing for victims and reduces reoffending. It would address bureaucratic hurdles that set people up to fail, including supervision fees and unnecessary conditions of supervision. This bill can serve as a model for other state legislatures that truly wish to show their constituents they are serious about helping every zip code, every victim, and every officer.

I wish that as a young officer on patrol I had known what I know now: That pretextual stops and unnecessary arrests don't protect public safety, they just divert public safety resources, keep people of color from trusting the police, and risk injury and death for community members and officers alike. It is time for Oregon to pass legislation that builds trust, conserves police resources, and improves law enforcement's ability to keep us all safe.

Thank you for considering this important bill.

Respectfully,



Lt. Diane Goldstein (Ret.)

Executive Director

Law Enforcement Action Partnership